From: David Hirsch
To: Microsoft ATR
Date: 1/23/02 6:05pm
Subject: Microsoft Settlement

I deplore the proposed settlement in its current state.

Microsoft, through it's illegal monopoly, has poisoned the current
Operating System and software market, and continues to take
anti-competitive steps designed to preserve its monopoly; the proposed
settlement is so weak as to be useless in correcting this behavior.
Microsoft's previous conduct with respect to settlements to which it has
agreed shows that a strong enforcement mechanism must be put in place,
one that will cripple Microsoft's ability to behave in an
anti-competitive fashion.

The current settlement must not include any distribution of Microsoft
products to right previous wrongs - that only helps Microsoft retain
it's monopoly status. Rather than providing software or hardware to
schools, the Court should calculate the RETAIL value of these products,
and make Microsoft give the money directly to the schools instead.

The court should take steps to ensure that any actions taken apply to
future versions of Windows, including Windows CE, Windows XP, and
Windows NT, Pocket PC, etc. and any descendants of these operating
systems. These steps should include the release of all API's (the
current definition of API in the settlement is too narrow, and would
allow the remedy to be skirted by Microsoft) to software developers.

The remedy should provide assurance that Microsoft will continue to
develop and release versions of its main software packages for the
Macintosh OS. Perhaps a requirement that the top-selling 40 percent of
non-operating-system software must be released for Macintosh within 9
months of its release for a desktop Windows OS.

-David Hirsch

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